

Entered 4-15-03 - sb  
CL 03L0297 - GWENDOLYN BURNS

04-*P*-0225

FEB 16 2004

**CLAIM OF: LINDA BROW-DOUGLAS**

3600 Fairland Drive  
Atlanta, Georgia 30331

For bodily injuries alleged to have been sustained  
after stepping into a construction site located in the  
crosswalk that was left open and in an unsafe  
manner on April 4, 2003 at Jessie Hill Jr. Drive &  
Coca Cola Place.

FEB 16 2004

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_

*[Signature]*  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

*[Signature]*  
MUNICIPAL CLERK

FEB 16 2004

**ADVERSE REPORT**

**CAFTEY &**

**ISTRATION COMMITTEE**

DATE 2/10/04  
CHAIR [Signature]  
[Signature]  
[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

February 25, 2004

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

Linda Brow-Douglas  
3600 Fairland Drive  
Atlanta, GA 30331

**04-R-0225**

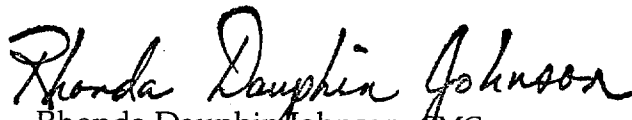
Dear Ms. Douglas:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 16, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0297

Date: January 26, 2004

Claimant /Victim LINDA J. BROW-DOUGLAS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 3600 Fairland Drive, Atlanta, Georgia 30331  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ unspecified  
Date of Notice: 4/14/03 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/4/03 Place: Jessie Hill Jr. Drive & Coca Cola Place  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that she sustained bodily injuries when she stepped into a construction cut that was located inside the pedestrian crosswalk and left open and in an unsafe condition. However, an investigation determined that an outside contractor performed construction work in the area and was responsible for the road defect. The claimant has been so advised and her claim has been forwarded to the contractor for resolution.

### INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

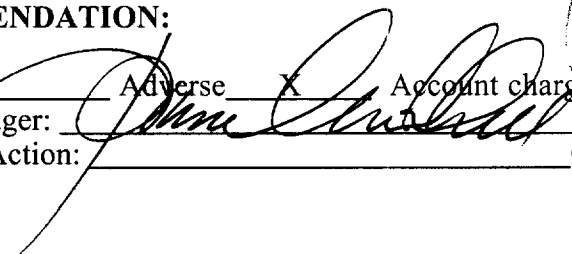
### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. X Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR: GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 01/27/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5424  
2/16/04  
2:55 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

*Reconsidered  
see  
RCS# 5425*

B Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
A Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5425  
2/16/04  
2:56 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5426  
2/16/04  
2:58 PM

Atlanta City Council

## Regular Session

CONSENT I                CONSENT I PGS 1-12, EXCEPT:04-R-0242  
                                AND 04-R-0130  
                                ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

B	Smith	Y	Archibong	Y	Moore	Y	Mitchell
Y	Starnes	NV	Fauver	Y	Martin	Y	Norwood
Y	Young	Y	Shook	Y	Maddox	Y	Willis
Y	Winslow	Y	Muller	Y	Boazman	NV	Woolard

CONSENT I

2-16-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0049 2. 04-O-0125 3. 04-O-0126 4. 04-O-0143 5. 04-O-0144 6. 04-O-0035 7. 04-O-0067 8. 04-O-0233 9. 04-O-0235 10. 04-O-0251 11. 04-O-0231 12. 04-R-0188 13. 04-R-0190 14. 04-R-0228 15. 04-R-0229 16. 04-R-0222 17. 04-R-0227 18. 04-R-0128 19. 04-R-0129 20. 04-R-0130 21. 04-R-0131 22. 04-R-0189 23. 04-R-0273 24. 04-R-0218 25. 04-R-0219 26. 04-R-0220 27. 04-R-0245 28. 04-R-0246 29. 04-R-0249 30. 04-R-0250 31. 04-R-0274 32. 04-R-0226	33. 04-R-0207 34. 04-R-0208 35. 04-R-0209 36. 04-R-0210 37. 04-R-0211 38. 04-R-0212 39. 04-R-0213 40. 04-R-0214 41. 04-R-0215 42. 04-R-0223 43. 04-R-0224 <b>ITEMS ADVERSE ON CONSENT</b> 44. 04-R-0191 45. 04-R-0192 46. 04-R-0193 <b>47.</b> 04-R-0194 48. 04-R-0195 49. 04-R-0196 50. 04-R-0197 51. 04-R-0198 52. 04-R-0199 53. 04-R-0200 54. 04-R-0201 55. 04-R-0202 56. 04-R-0203 57. 04-R-0204 58. 04-R-0205 59. 04-R-0206 60. 04-R-0225